MOTION FILED DEC 26 1962

In the

Supreme Court of the United States

OCTOBER TERM, 1962

No. 511

JAMES E. BUSH,

Petitioner,

v.

THE STATE OF TEXAS,

Respondent.

On Writ of Certiorari to the Court of Criminal Appeals of the State of Texas

MOTION FOR LEAVE TO FILE BRIEF AMICUS CURIAE

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MOTION FOR LEAVE TO FILE BRIEF AMICUS CURIAE

To the Honorable Justices of the Court:

Comes now the American Civil Liberties Union and its affiliate, the Dallas Civil Liberties Union, and moves for leave to file a brief of an *amicus curiae* in support of the position of Petitioner in the instant case.

In support of said motion, movants state that both are associations dedicated to the protection and advancement of all civil liberties as guaranteed by the Bill of Rights and Fourteenth Amendment to the United States Constitution.

The instant case involves problems which face all indigent defendants in criminal matters. The State refused to supply the indigent defendant psychiatric care and observation although the defendant pleaded (1) incompetency to stand trial, and (2) insanity as a defense. He was accordingly convicted without any qualified expert psychiatric testimony being presented to the jury. He was sentenced to life imprisonment.

The instant case raises broad problems of due process of law and/or equal protection under law, and the solution to said problems will have effects reaching far beyond the rights of the petitioner involved in this case.

Movants also respectfully request that their brief of an *amicus curiae* be filed on or before January 11, 1963.

WHEREFORE, the movants respectfully request leave to file a brief of an *amicus curiae* on or before January 11, 1963, in support of the position of the petitioner.

Respectfully submitted,

CHARLES W. WEBSTER,
Southern Methodist Law
School,
Dallas, Texas.

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Dallas Civil Liberties Unions.

CERTIFICATE OF SERVICE

I do certify that a copy of the Motion for Leave to File Brief Amicus Curiae has been sent by United States Airmail to Charles Alan Wright, attorney for the petitioner, at 2500 Red River, Austin 5, Texas; and to Will Wilson, Attorney General of the State of Texas, Capitol Building, Austin, Texas.

CHARLES W. WEBSTER

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BRIEF FOR THE PETITIONER

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